

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on February 7, 2011 at 9:00 A.M., in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Liz Bangerter (R)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Diane Sands, Vice Chairman (D)

Members Absent: Rep. Robyn Driscoll (D)
Rep. Ellie Boldman Hill (D)
Rep. Michael (Mike) More (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 203, 1/27/2011; HB 371, 2/1/2011; HB 374, 2/1/2011

HEARING ON HB 203**Opening Statement by Sponsor:**

00:01:57 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 203, Allow evidence of other crimes in prosecution of sexual offenses.

00:02:29 Rep. Hill arrived.

00:03:58 Rep. Driscoll arrived.

Proponents' Testimony:

00:08:23 Leo Gallagher, Lewis and Clark County Attorney

00:13:44 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

00:15:21 Mark Murphy, Montana County Attorneys Association and self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:22:14 Rep. O'Hara

00:22:43 Mr. Murphy

00:23:44 Rep. MacDonald exited.

00:24:19 Rep. Hill

00:24:33 Rep. MacDonald returned.

00:24:57 Mr. Murphy

00:25:47 Vice Chairman Kerns assumed chairmanship.

00:26:00 Chairman Peterson exited.

Closing by Sponsor:

00:25:40 Rep. Menahan

HEARING ON HB 371**Opening Statement by Sponsor:**

00:27:31 Rep. Jerry O'Neil (R), HD 3, opened the hearing on HB 371, Revise statutes on practice of law.

[EXHIBIT\(juh30a01\)](#)

[EXHIBIT\(juh30a02\)](#)

00:27:52 Rep. Menahan and Rep. Howard exited.

00:36:31 Rep. Menahan returned.

Proponents' Testimony: None

Opponents' Testimony:

00:36:51 Bruce Spencer, State Bar of Montana

00:37:08 Rep. More arrived.

00:40:25 Rep. O'Hara exited.

Informational Testimony: None

Questions from Committee Members and Responses:

00:47:55 Rep. Loney
00:48:21 Mr. Spencer
00:48:30 Rep. Loney
00:48:36 Mr. Spencer
00:48:52 Vice Chairman Kerns
00:49:00 Mr. Spencer
00:49:16 Vice Chairman Kerns
00:49:21 Mr. Spencer
00:49:46 Rep. Wagner exited.
00:50:05 Vice Chairman Kerns
00:50:15 Mr. Spencer
00:50:48 Rep. Read exited.
00:51:04 Vice Chairman Kerns
00:51:14 Mr. Spencer

Closing by Sponsor:

00:51:40 Rep. O'Neil

01:00:16 Rep. O'Hara returned.
01:00:34 Rep. Read returned.
01:00:41 Rep. Wagner returned.

HEARING ON HB 374**Opening Statement by Sponsor:**

01:02:13 Rep. Kris Hansen (R), HD 33, opened the hearing on HB 374, Implement the Uniform Power of Attorney model law.

Proponents' Testimony:

01:07:49 Rose Hughes, Executive Director, Montana Health Care Association
EXHIBIT(juh30a03)
01:08:10 Rep. Hansen exited.
01:09:51 Rep. Hansen returned.
01:12:05 Rep. Howard returned.
01:12:37 Lori Henderson, Administrator, Northern Montana Care Center, Havre
01:18:53 Brian Huso, Eagle Cliff Manor, Billings
01:21:12 Rep. Howard exited.
01:21:43 Chairman Peterson returned.
01:27:00 Claudia Clifford, Advocacy Director, American Association of Retired Persons (AARP)

EXHIBIT(juh30a04)

01:33:02 Lynn Egan, Deputy Securities Commissioner, Office of Securities and Insurance, Montana State Auditor
01:33:51 Rep. Howard returned.
01:34:08 Rep. MacDonald exited.
01:34:43 Rep. O'Hara exited.
01:35:04 Dick Brown, President, MHA, an Association of Montana Health Care Providers
01:36:24 Steve Turkiewicz, President, CEO of the Montana Bankers' Association

01:37:19 Rep. MacDonald returned.
01:38:45 Bernie Jacobs, Chief Counsel, Montana Department of Health and Human Services
01:39:54 Steve Yeakel, Montana Independent Bankers
01:40:39 Clyde Dailey, Montana Credit Unions
01:41:12 Beth Brenneman, Attorney, Disability Rights Montana
01:41:50 Karen Powell, Montana Uniform Law Commission
01:42:43 Rep. Driscoll exited.
01:44:21 Kelly Hubbard, consumer protection attorney and Regulator of Charities for the Attorney General's Office (AG)
01:47:30 Mark Mackin, Probate Attorney, self
01:47:52 Rep. O'Hara returned.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

01:50:36 Rep. Menahan exited.

Closing by Sponsor:

01:50:52 Rep. Hansen

01:51:27 Chairman Peterson

01:52:21 Mr. Niss

EXHIBIT(juh30a05)

01:53:00 Rep. Warburton

01:53:04 Chairman Peterson

ADJOURNMENT

01:53:29 Adjournment: 10:53 am

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh30aad.pdf](#))